

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, | ) |                                    |
|                           | ) |                                    |
| Plaintiff,                | ) |                                    |
|                           | ) |                                    |
| v.                        | ) | Civil Action No. 1:16-cv-03088-ELR |
|                           | ) |                                    |
| STATE OF GEORGIA,         | ) |                                    |
|                           | ) |                                    |
| Defendant.                | ) |                                    |

**NOTICE OF FILING SUPPLEMENTAL AUTHORITY**

The United States, by and through undersigned counsel, hereby gives notice that on September 17, 2019, the Eleventh Circuit resolved the appeal of a ruling in *C.V. v. Dudek*, 209 F. Supp. 3d 1279 (S.D. Fla. 2016). *United States v. Florida*, No. 17-13595, 2019 WL 4439465 (11th Cir. Sept. 19, 2019) (the “Order”). On August 11, 2017, this Court granted the State’s motion for a stay of proceedings “until the Eleventh Circuit Court of Appeals resolves *C.V. v. Dudek* or the United States in *Dudek* dismisses its appeal.” Order at 4 (ECF 040). The Court directed the parties to file a notice in this case informing the Court within seven days of either event. *Id.* Accordingly, the United States provides this Notice that the case that formed the basis for this Court’s issuance of the stay has been resolved.

The Eleventh Circuit thoroughly considered the parties’ arguments and ruled that the United States has authority to enforce Title II of the Americans with

Disabilities Act of 1990 (“ADA”). In reversing the District Court’s ruling that the Attorney General lacks standing to sue under Title II, the Eleventh Circuit ruled:

When Congress chose to designate the ‘remedies, procedures, and rights’ in § 505 of the Rehabilitation Act, which in turn adopted Title VI, as the enforcement provision for Title II of the ADA, Congress created a system of federal enforcement. The express statutory language in Title II adopts federal statutes that use a remedial structure based on investigation of complaints, compliance reviews, negotiation to achieve voluntary compliance, and ultimately enforcement through ‘any other means authorized by law’ in the event of noncompliance. In the other referenced statutes, the Attorney General may sue. The same is true here.

Order at \*23.

A copy of the Eleventh Circuit’s opinion is attached to this Notice of Filing.

**Respectfully submitted,**

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September 19, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day filed the foregoing Notice of Filing of Supplemental Authority with the Clerk of Court using the CM/ECF system, which automatically sent counsel of record e-mail notification of such filing.

This 19th day of September, 2019.

/s/ Aileen Bell Hughes  
AILEEN BELL HUGHES  
ASSISTANT U.S. ATTORNEY